

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION OPIATE  
LITIGATION

This document relates to:  
*Track One Cases*

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**GENERIC MANUFACTURERS’  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, and for the reasons set forth in the Generic Manufacturers’ Memorandum of Law in Support of their Motion for Partial Summary Judgment (“Memorandum of Law”),<sup>1</sup> the undersigned Defendants move for partial summary judgment as described in the accompanying Memorandum of Law. For the reasons stated in that Memorandum of Law, summary judgment should be granted to Generic Manufacturers as to all false marketing claims in Counts I, III, V, VI, VII, VIII, IX, X, and XI in Plaintiffs’ Third Amended Complaints.<sup>2</sup>

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<sup>1</sup> Generic Manufacturers include Actavis Pharma, Actavis LLC, Watson, Warner Chilcott Company, LLC, Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc. f/k/a Watson Laboratories, Inc.-Salt Lake City, and Actavis Laboratories FL, Inc., f/k/a Watson Laboratories, Inc.-Florida (collectively, the “Actavis Generic Defendants”); Endo Pharmaceuticals Inc.; Endo Health Solutions Inc.; Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (misnamed as “Par Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc.”); Teva Pharmaceuticals USA (“Teva USA”), Inc.; and the generics business of Mallinckrodt LLC and SpecGx LLC. Mallinckrodt plc is an Irish company that is not subject to and contests personal jurisdiction for the reasons explained in its pending motion to dismiss for lack of personal jurisdiction; it is specially appearing to join this motion as a result of the Court’s deadline to file dispositive and *Daubert* motions, and, thus, it does not waive and expressly preserves its pending personal jurisdiction challenge. Although Noramco, Inc. (“Noramco”) is not a Generic Manufacturer, it joins this Motion as to Section III(A) of the Memorandum of Law.

<sup>2</sup> The Actavis Generic Defendants are not defendants with respect to the false marketing claims in Counts I and III of Plaintiffs’ Third Amended Complaints.

Dated: June 27, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 27, 2019, the foregoing was filed using the Court's CM/ECF filing system and will be served via the Court's CM/ECF filing system on all attorneys of record.

/s/ Steven A. Reed  
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